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Summary of Qualifications and Requirements for  
**INDEPENDENT NOMINATION**  
for the Office of  
**United States Representative in  
Congress**

(53 Districts)

**November 5, 2002 General Election**

**I. QUALIFICATIONS**

A candidate shall:

- A. Be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. U.S. Const. Art. I, §2
- B. Have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained.<sup>1</sup> There are no district residency requirements for Members of Congress. §201<sup>2</sup>

**C. Disqualifications**

A candidate is ineligible for nomination as an independent candidate if:

- 1. A nomination paper was filed on the candidate's behalf as a partisan candidate or a write-in candidate at the March 5, 2002 Primary Election for any office, and the candidate was defeated for the party nomination at the primary election.
- 2. At any time during the 13 months preceding the November 5, 2002 General Election, the candidate was registered as affiliated with any qualified political party. The last day a candidate may be affiliated

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<sup>1</sup> The US 9<sup>th</sup> Circuit Court of Appeals has declared Elections Code §201 unconstitutional as it applies to candidates for US Representative in Congress. The Secretary of State is currently seeking review of this decision before the US Supreme Court. For updated information, please contact the Secretary of State's office at (916) 657-2166.

<sup>2</sup> Unless otherwise stated, all code section references are to the California Elections Code.

with a qualified party is October 5, 2001 if desiring to run under the independent nomination procedures in the 2002 General Election.

§8550(f)

For purposes of Section 8550, the seven qualified political parties are: American Independent, Democratic, Green, Libertarian, Natural Law, Reform, and Republican.

## **II. REQUIREMENTS**

### **A. FILING FEE OR SIGNATURES IN LIEU**

#### **Filing Fee**

Candidates must pay a filing fee equal to 1% of the first year's salary. Currently, the filing fee for United States Representative in Congress is \$1,451.00. The filing fee must be paid at the time the candidate obtains the nomination forms from the county elections official. §§8103 & 8105

#### **Signatures in Lieu**

Candidates may election to submit a minimum of 3,000 valid signatures on petitions in lieu of filing fee by July 25, 2002. §8106

1. Between April 26 and July 25, 2002, the petitions for in-lieu signatures may be obtained from the county elections official and circulated. Sections of petitions in lieu of filing fee shall be filed with the county elections official of the county in which the signers reside. §§8106
2. The candidate may submit signatures to cover all or any prorated portion of the filing fee. §8106(b)(3)
3. Any registered voter may sign an in-lieu-of-filing-fee petition for any candidate for whom he or she is eligible to vote. §8106(b)(1)
4. Each circulator of an in-lieu-of-filing-fee petition shall be a registered voter of the district or political subdivision in which the candidate is running. The circulator shall serve within the county in which he or she resides. §8106 (b)(4)
5. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period (August 9, 2002), either submit a supplemental petition or pay a pro rata portion of the filing

fee to cover the deficiency. §§8106 (b)(3) & 8405

6. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

#### B. NOMINATION DOCUMENTS

1. Between June 10 and August 9, 2002, obtain nomination documents from the county elections official. Nomination documents include a set of nomination papers for collecting signatures and a declaration of candidacy that must be executed by the candidate. §§333 & 8403
2. Upon request of a candidate, the county elections official shall provide the candidate with nomination documents. The county elections official shall not require a candidate to sign, file or sign and file a declaration of candidacy as a condition of receiving nomination papers. §8020(d)
3. Between June 10 and August 9, 2002, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8403

#### 4. Nomination Signatures

Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

- a. The nomination papers must be signed by at least 3% of the registered voters of the Congressional District as of the last registration report prior to the preceding general election. See Attachment 1 for the required number of signatures for each congressional district, based on the October 2000 Report of Registration. §8400
- b. Signers must be registered voters in the district or political subdivision in which the candidate is running. §§100 & 8068
- c. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. §106(a)
- d. Appointment of nomination paper circulators.
  1. The candidate may appoint persons to circulate the nomination papers.
  2. Circulators shall be voters registered in California and shall

serve only in their district or political subdivision. §8451

- e. By August 9, 2002, the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§8063 & 8403

5. Declaration Of Candidacy

Failure to file the declaration of candidacy properly will prevent the candidate's name from appearing on the ballot.

- a. The declaration of candidacy shall be obtained from, and delivered to, the county elections official of the county in which the candidate resides and is a voter. §8064
- b. The county elections official shall require all candidates filing a declaration of candidacy to execute the declaration in his or her office unless the candidate, in a written statement signed and dated by the candidate, designates a third party to obtain the declaration form from the county elections official and to deliver it to the candidate. The written statement shall state that the candidate is aware that the declaration of candidacy must be properly executed and delivered not later than August 9, 2002 to the office of the county elections official from whom it was received. §8028
- c. Between June 10 and August 9, 2002, file with the county elections official a declaration of candidacy which states the following:
  - 1. The candidate's complete residence address;
  - 2. That the candidate is a voter in the precinct in which he or she resides;
  - 3. The name of the office sought;
  - 4. That he or she will not withdraw as a candidate before the election;
  - 5. That if elected, he or she will qualify for the office;
  - 6. That at no time since October 5, 2001 has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Natural Law, Reform, or Republican). §8550

### **III. GENERAL INFORMATION**

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. The California apportionment of the House of Representatives has a membership of 53 Representatives, elected for two-year terms. The term of office begins on January 3, 2003.
- C. Because of the requirements of the Federal Election Campaign Act, As Amended, a congressional candidate should contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463 or call toll-free (800) 424-9530 for a copy of the Act, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

#### **IMPORTANT NOTICE**

This Information Sheet of Qualifications and Requirements is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.

Independent Candidates for Congress  
Number of Signatures Required to Place  
Candidate on November 5, 2002 General Election Ballot **(to be determined)**

Congressional District	Oct. 2000 Voter Reg.	Required Signatures*	Congressional District	Oct. 2000 Voter Reg.	Required Signatures*
1	330,332	9,910	27	297,487	8,925
2	351,403	10,543	28	294,759	8,843
3	327,442	9,824	29	336,645	10,100
4	396,321	11,890	30	155,611	4,669
5	318,823	9,565	31	190,713	5,722
6	346,148	10,385	32	263,786	7,914
7	302,866	9,086	33	118,849	3,566
8	353,912	10,618	34	237,679	7,131
9	328,987	9,870	35	205,910	6,178
10	392,530	11,776	36	333,923	10,018
11	286,835	8,606	37	213,266	6,398
12	300,219	9,007	38	274,125	8,224
13	285,775	8,574	39	277,945	8,339
14	302,892	9,087	40	297,356	8,921
15	318,071	9,543	41	253,140	7,595
16	232,086	6,963	42	249,447	7,484
17	272,978	8,190	43	287,565	8,627
18	285,822	8,575	44	284,881	8,547
19	312,172	9,366	45	287,443	8,624
20	208,380	6,252	46	154,920	4,648
21	292,343	8,801	47	338,871	10,167
22	350,831	10,525	48	341,537	10,247
23	325,365	9,761	49	336,215	10,087
24	331,548	9,947	50	227,355	6,821
25	309,715	9,292	51	355,318	10,660
26	187,441	5,624	52	302,202	9,067

\*Independent candidates for Congress need registered voter signatures equaling 3% of the previous general election's registration total in the district.